



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

South Hadley Landfill, LLC
12 Industrial Drive
South Hadley, MA 01075

FACILITY LOCATION:

South Hadley Landfill, LLC
12 Industrial Drive
South Hadley, MA 01075

NATURE OF BUSINESS:

Landfill

INFORMATION RELIED UPON:

Application No. WE-14-009
Transmittal No. X258158

FACILITY IDENTIFYING NUMBERS:

AQ ID: 230915
FMF FAC NO.: 39731
FMF RO NO.: 395512

Standard Industrial Classification (SIC): 4953
North American Industrial Classification System
(NAICS): 562212, Solid Waste Landfill

RESPONSIBLE OFFICIAL:

Name: Dave Lavender
Title: East Region Vice President

FACILITY CONTACT PERSON:

Name: Chris Spaulding
Title: Operations Manager
Phone: (413) 535-3095
Fax: (413) 535-2147
Email: CSpaulding@advanceddisposal.com

This Operating Permit shall expire on _____.

For the Department of Environmental Protection

Permit Chief, Bureau of Waste Prevention

Date

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SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

A. DESCRIPTION OF FACILITY AND OPERATIONS

The South Hadley Landfill (the “facility” or “landfill”) is owned by the Town of South Hadley. South Hadley Landfill, LLC (SHL) operates the landfill and is the operating permit holder. SHL is a subsidiary of and is managed by Advanced Disposal Services (ADS). The facility has been accepting waste since approximately 1951 and was closed to waste disposal in March 2014.

It was determined on or about February 8, 2011, that the landfill had reached a design capacity of equal to or greater than 2.5 million mega grams and 2.5 million cubic meters and because the landfill has accepted waste since November 8, 1987 it is subject to 40 CFR 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants (NESHAP): Municipal Solid Waste Landfills. Subpart AAAA requires that the facility comply with either the New Source Performance Standards (NSPS) 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills or the NSPS 40 CFR 60 Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.

The landfill increased capacity in the years 2010 through 2012 and so by definition of a modification (40 CFR § 60.751) is subject to Subpart WWW. Landfills with a design capacity of greater than or equal to 2.5 million megagrams and 2.5 million cubic meters are subject to the Title V operating permit and compliance program which is implemented in Massachusetts under 310 CMR 7.00 Appendix C. The facility is not a major source of any regulated air pollutant.

By volume, landfill gas (LFG) is about 50 percent methane and 50 percent carbon dioxide and water vapor. It contains less than 1 percent non-methane organic compounds (NMOCs). NMOCs consist of certain hazardous air pollutants (HAPs) and volatile organic compounds (VOCs)¹. Pollutants of concern related to the release and/or combustion of LFG at the facility include oxides of nitrogen (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), NMOCs, and particulate matter (PM).

To prevent migration to the surface of the landfill and/or adjacent properties as well as to minimize potential nuisance conditions, typically odors, the South Hadley Landfill utilizes an active gas collection system that draws LFG out of the landfill from a network of extraction wells and horizontal trenches. The existing LFG collection and control system consists of vertical and horizontal extraction wells which were installed within the waste mass as waste filling progressed and also after filling was complete.

¹ U.S.E.P.A. (2011, April 6). Landfill Gas. *Landfill Methane Outreach Program*. Retrieved March 25, 2014, from <http://www.epa.gov/lmop/faq/landfill-gas.html>.

The facility has two previous plan approvals. Application number 1-P-04-012 dated August 11, 2004 was approved to install a John Zink candlestick flare to control emissions. Application number 1-P-09-009 conditionally approved a second enclosed flare and blower system (LFG Specialties, LLC Model EF945I10) and was dated July 2, 2009. The Permittee, through written correspondence received June 3, 2014, requested that application number 1-P-04-012 be withdrawn.

The LFG Specialties flare has fail-safe equipment to prevent untreated LFG from leaving the system. Flame arrestors prevent the flame from backing up into the gas collection system. The flare has a propane pilot system for flame ignition. An ultraviolet flame detector detects the presence of a flame for the pilot system. The temperature of the main flame is monitored with a thermocouple. If no flame is detected, the flare will shut down after three attempted restarts at which time an auto dialer will notify personnel of an upset condition. The auto dialer has a battery back-up in the event of a power outage. The flare is vented through a steel stack, 108 inches in diameter, and exits 45 feet above the ground.

To comply with Subpart WWW, South Hadley Landfill, LLC conducted Tier II testing on November 1, 2013². A site-specific NMOC concentration was generated using USEPA³ Method 25C from 40 CFR 60, Appendix A. Computer modeling with the USEPA Landfill Gas Emission Model (LandGEM) predicted that the 2013 NMOC emission rate will peak at 13.96 Mg/yr and then decline. According to Subpart WWW, NMOC emission rates that are less than 50 Mg/yr are not subject to the Maximum Achievable Control Technology (MACT) standard. In addition, the Permittee submitted closure notification as provided for in 40 CFR 60.757(d) and so is not required to recalculate NMOC emission rate annually or submit annual emission reports.

Because Subpart WWW was promulgated after November 15, 1990, the facility is not subject to the Compliance Assurance Monitoring (CAM) rule (40 CFR 64.2(b)(1)(i)).

The facility has a 135 horsepower (1.3 MMBtu/hr input) propane fired Kohler emergency generator model # 100RZG which was installed in 2004. Because it has an energy input capacity less than 3 MMBtu/hr, 310 CMR 7.03(10) is not applicable to this generator. The engine is operated when there is a power failure and during general maintenance activities, meeting the definition of an existing commercial emergency stationary reciprocating internal combustion engine (RICE) and so is subject to operation, maintenance, and monitoring requirements of 40 CFR Part 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

² Tier 2 Landfill Gas Sampling Report Prepared for South Hadley Landfill, South Hadley, MA, Tighe & Bond, Inc., January 2014.

³ United States Environmental Protection Agency.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

Table 1			
Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
1	Landfill	2,988,820 cubic meters	LFG Specialties, LLC Model EF945I10
2	Kohler emergency generator model # 100RZG	135 horsepower 1.3 MMBtu/hr input	N/A

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)



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4. APPLICABLE REQUIREMENTS

A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Table 3 below:



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Table 3

EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1	LFG	-	2,000 scfm extraction rate of LFG Maximum heat input rate of 66.0 MMBtu/hr ¹ Minimum operating temperature of 1,400°F for minimum of 1.155 seconds	0% opacity ² with the exception of up to 5 minutes during start-up Start up: 1) ≤ 20% opacity for a period or aggregate period of time in excess of two minutes during any one hour 2) ≤ 40% opacity during the said two minutes	1-P-09-009 310 CMR 7.06
		NO _x	-	3.95 lbs/hr 2.2 TPM 17.3 TPY 0.06 lb/MMBtu	1-P-09-009

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Table 3					
EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1	LFG	CO	-	13.20 lbs/hr 7.2 TPM 57.8 TPY 0.20 lb/MMBtu	1-P-09-009
		SO ₂	-	3.97 lbs/hr 2.2 TPM 17.4 TPY 0.72 lb/MMBtu	
		NMOC	-	≤20 ppmvd @ 3% O ₂ as Hexane or 98% by weight destruction of NMOC 0.54 lb/hr 0.4 TPM 2.4 TPY	
		VOC	-	0.18 lbs/hr 0.1 TPM 0.8 TPY	
		PM/PM ₁₀	-	2.04 lb/hr 1.11 TPM 8.9 TPY 17 lb/10 ⁶ dscf CH ₄	

Table 3					
EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
2	Propane	Combustion gases	<p>≤ 50 hours per calendar year for non-emergency use</p> <p>≤ 100 hours per calendar year for any combination of purposes specified in 40 CFR 63.6640(f)(2)(i-iii), including the 50 hours for non-emergency use (specified above).</p> <p>There is no time limit on the use of emergency stationary reciprocating internal combustion engines (RICE) in emergency situations</p>	-	40 CFR 63.6640(f)
Facility-wide	-	Greenhouse gas ³	-	N/A	310 CMR 7.71 (state only)

LFG = Landfill Gas

NMOC = Non-methane Organic Compound

dscf = dry standard cubic foot

TPM = ton(s) per month

TPY = ton(s) per year

CMR = Code of Massachusetts Regulations

CFR = Code of Federal Regulations

°F = degrees Fahrenheit

NO_x = Nitrogen Oxides

CO = Carbon Monoxide

VOC = Volatile Organic Compounds

SO₂ = Sulfur Dioxide

PM = Total Particulate Matter

PM₁₀ = Particulate Matter less than or equal to 10 microns in diameterPM_{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter

lbs/MMBtu = pounds per Million British thermal units

lbs/hr = pounds per hour

ppmvd @ 3% O₂ = parts per million by volume, corrected to 3 percent oxygen

gm/bhp-hr = grams per brake horsepower for one hour (engine output)

≤ = less than or equal to

% = percent



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Table 3 Foot Notes:

- (1) Based on an estimated LFG heat content of 550 Btu/ft³
- (2) Opacity means that characteristic of matter which renders it capable of interfering with the transmission of rays of light and causes a degree of obscuration of an observer's view.
- (3) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs)
- (4) To calculate the amount of a consecutive 12 month rolling period take the current calendar month amount and add it to the previous 11 calendar months total amount

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:



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Table 4	
EU#	Monitoring And Testing Requirements
1	1) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall install and operate a LFG flow recorder (either electronic or chart recorder) so that an on-site record of the volume of LFG fired in the enclosed flare will be available by date and time period.
	2) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall monitor the heat input capacity of the landfill gas in Btu/scf. These heat input records may be generated by gas chromatograph and/or by field measurements.
	3) In accordance with 310 CMR 7.13 <u>Stack Testing</u> , conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the MassDEP and EPA.
	4) In accordance with 310 CMR 7.00 Appendix C(9)(b), monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.
	5) In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF6 usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State only requirement)

Table 4 Footnotes:

LFG = Landfill gas

Btu/scf = British thermal units per standard cubic foot

Table 5

EU#	Record Keeping Requirements
1	1) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall maintain an operation log, or other record keeping system, on-site at a level of detail sufficient to document that Operational Limits, and Emission Limits contained herein are not exceeded.
	2) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall record the volume of LFG (standard cubic feet) fired in the enclosed flare for each month and consecutive 12 month rolling period. Records shall be maintained on-site.
	3) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall record and maintain on-site the heat input of LFG (Btu) fired in the enclosed flare for each month and for each consecutive 12 month rolling period.
	4) In accordance with plan approval 1-P-09-009 (July 2, 2009), the Permittee shall record NO _x , CO, NMOC, PM and SO ₂ monthly and consecutive 12 month rolling period emission rates for the enclosed flare. Records shall be maintained on-site.
	5) In accordance with plan approval 1-P-09-009 (July 2, 2009), all operating and monitoring records, including emission test reports, shall be maintained for the life of the facility; the five most recent years of data/records shall be maintained on-site.
2	6) In accordance with 40 CFR 63.6655(f), the Permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.
Facility-wide	7) In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the Department upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)
	8) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report of initial operating permit application.
	9) In accordance with 310 CMR 7.12(3)(b), retain copies of Source Registration and other information supplied to MassDEP to comply with 310 CMR 7.12, which shall be retained by the facility owner or operator for five years from the date of submittal.

Table 6	
EU#	Reporting Requirements
1	1) In accordance with plan approval 1-P-09-009 (July 2, 2009) all revisions to the Standard Operating and Maintenance Procedures shall be submitted to MassDEP within seven (7) days from their initial use.
2	2) In accordance with 40 CFR 63.6640(b), the Permittee shall report each instance in which a deviation from an operating limitation in Table 2d to Subpart ZZZZ occurred and shall report these deviations as specified in §63.6650.
Facility-wide	3) In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.
	4) In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.
	5) In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	6) In accordance with General Condition 10 of this Permit, the Permittee shall submit an Annual Compliance report to MassDEP and EPA by January 30 of each year. The report shall certify that no waste was accepted during the previous calendar year.
	7) In accordance with 310 CMR 7.71(5), by April 15th, 2010 and April 15th of each year thereafter, the Permittee shall report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO ₂ e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (State only requirement)
	8) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the Department or the registry. (State only requirement)
	9) In accordance with 310 CMR 7.71(7), by December 31st of the applicable year submit to the Department documentation of triennial verification of the greenhouse gas emissions report. (State only requirement)

Table 6 Notes: none

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
40 CFR 64	The facility is not subject to the Compliance Assurance Monitoring (CAM) rule.
40 CFR 82: Protection of Stratospheric Ozone	The facility stated in their application that 40 CFR 82 is not applicable.
310 CMR 7.16	The facility stated in their application that 310 CMR 7.16, Reduction of Single Occupant Commuter Vehicle Use, is not applicable.

Table 7 Notes: none

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

Table 8.	
Special Terms and Conditions	
1	1) In accordance with plan approval 1-P-09-009 (Flare A, July 2, 2009), the enclosed flare shall be equipped with a flame out detection system that will shut down the LFG flare valve and the supplemental fuel valve to minimize LFG emissions. Upon three restart attempts, the system shall lockout and initiate telephone dial out. The telephone dial out system shall be equipped with a battery backup to operate in the event of a power outage.
	2) In accordance with plan approval 1-P-09-009 (July 2, 2009), any changes to the equipment shall be approved by the MassDEP in accordance with 310 CMR 7.02 including equipment removal and/or replacement.
	3) EU 1 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table 1 to Subpart AAAA of 40 CFR 63. Compliance with all applicable provisions therein is required.
2	4) In accordance with #5, Table 2d to Subpart ZZZZ of Part 63, the Permittee shall: <ul style="list-style-type: none"> a. Change oil and filter every 500 hours of operation or annually, whichever comes first. Sources have the option to utilize an oil analysis program as described in §63.6625(j) in order to extend the specified oil change requirement in Table 2d of this subpart; b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. <p>If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice requirements on the schedule required in Table 2d of this subpart, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.</p>
	5) In accordance with 40 CFR 63.6625(e), the Permittee shall operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
	6) In accordance with 40 CFR 63.6625(h), the Permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.
	7) Emission unit 2 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General

Table 8.	
Special Terms and Conditions	
	Provisions" [as indicated in Table 8 to Subpart ZZZZ of 40 CFR 63]. Compliance with all applicable provisions therein is required.
Facility-wide	8) The Permittee is subject to the dust, odor, construction and demolition requirements of 310 CMR 7.09. No nuisance odors are permitted beyond the property line of the landfill (state only).
	9) The Permittee is subject to the noise requirements of 310 CMR 7.10. Noise levels shall be \leq 10 dB(A) above background at facility property line, shall not cause a puretone condition as defined in MassDEP DAQC Policy No. 90-001, or otherwise cause a nuisance (state only).
	10) The Permittee is subject to, and has stated in their Operating Permit application, TR#258158, that the Permittee is in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its Operating Permit application.

7. EMISSIONS TRADING

A. INTRA-FACILITY EMISSION TRADING

The Permittee did not request intra-facility emissions trading in its Operating Permit application.

B. INTER-FACILITY EMISSION TRADING

The Permittee did not request inter-facility emissions trading in its Operating Permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Air Compliance Clerk, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

B. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

12. PERMIT SHIELD

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this Permit. Compliance with the terms and conditions of this Permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this Permit.

Where there is a conflict between the terms and conditions of this Permit and any earlier approval

or Permit, the terms and conditions of this Permit control.

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this Permit shall alter or affect the following:
 - 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
 - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

14. PERMIT TERM

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date 5 years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the Operating Permit renewal application prior to this Permit's expiration date, this Permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an Operating Permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any Operating Permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this Permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This Permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the Permit is necessary and provided that a written agreement containing a specific date for transfer of Permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This Permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- A. enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;
- B. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- C. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- D. Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the Operating Permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based⁴ emission limitations specified in this Permit as a result of an emergency⁵. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this Permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.

⁴ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

⁵ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this Operating Permit. A revision to the Permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an Operating Permit revision under any other applicable requirement.

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28. OZONE DEPLETING SUBSTANCES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".

- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

APPEAL CONDITIONS FOR OPERATING PERMIT

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.